

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 8, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-32134 - APPLICANT: HEAVEN CAN WAIT SANCTUARY
- OWNER: AAMAX ENTERPRISES, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for an Animal Hospital, Clinic, or Shelter (with no Outside Pens) use, including parking requirements.
2. This approval shall be void two years from the date of final approval, unless a business license has been issued for the principal use of an Animal Hospital, Clinic, or Shelter (with no Outside Pens) on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The subject site shall be designed to provide complete sound barriers and odor protection from adjacent suites as well as adjacent properties.
4. Noise levels must comply with the applicable provisions of LVMC Title 7.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-32134 - Staff Report Page One
January 8, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for an Animal Hospital, Clinic, or Shelter (with no Outside Pens) at 546 North Eastern Avenue, Suite's #170 & #175 within the Plaza Las Americas retail center. The proposed use meets the minimum Special Use Permit requirements for an Animal Hospital, Clinic, or Shelter (with no Outside Pens) use; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/18/67	The Board of Commissioners approves a request for a Reclassification (Z-0072-66) of property generally located on the east side of Twenty-fifth Street between Bonanza Road and Mesquite Street from R-E (Residence Estates) to C-1 (Limited Commercial). The Planning Commission recommended approval.
09/18/02	The City Council approved a request for a Rezoning (Z-0062-02) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue, and a Site Development Plan Review [Z-0062-02(1)] with a reduction of the perimeter landscaping requirements to allow for a five-foot wide landscape planter on the north property line where an eight-foot wide landscape planter is required for a proposed 25,200 square-foot commercial center on 1.79 acres at 530 and 540 North eastern Avenue. The Planning Commission recommended approval of both cases.
03/16/05	The City Council approved a request for an Extension of Time (EOT-6043) for an approved Rezoning (Z-0062-02) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue.
09/06/06	The City Council approved a request for a Variance (VAR-14355) to allow a 20-foot residential adjacency setback where 70.75 feet is required for a proposed 30,904 square-foot retail center; a Variance (VAR-13881) to allow 103 parking spaces where 167 spaces are required and to allow two loading zones where three are required for a proposed 30,904 square-foot retail center; a Special Use Permit (SUP-13884) for a General Business-Related Gaming Establishment within a proposed restaurant; a Special Use Permit (SUP-13882) for a proposed Supper Club with a Waiver of the 400-foot distance separation requirement from a church; and a Site Development Plan Review (SDR-13880) for a proposed 30,904 square-foot retail center with a Waiver of the perimeter landscape requirements on 2.07 acres on the east side of North Eastern Avenue, approximately 153 feet north of Mesquite Avenue. The Planning Commission recommended denial of all cases.

SUP-32134 - Staff Report Page Two
January 8, 2009 - Planning Commission Meeting

07/13/07	Code Enforcement processed a case (#55620) for a complaint to check for possible violations at 546 North Eastern Avenue. The case was resolved on 08/03/07.
11/07/07	The City Council approved a Review of Condition (ROC-24786) to remove Condition Number two (2) of an approved Site Development Plan Review (SDR-13880) which stated that the perimeter wall shall be six feet solid block except the southwestern 50 feet which may be four-foot solid with two feet top wrought iron and replace with a condition requesting wrought iron fencing at 540 North Eastern Avenue.
08/20/08	The City Council approved a request for a Special Use Permit (SUP-28467) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a proposed general retail store with a Waiver to allow a distance separation of 360 feet from a protected use where 400 feet is required at 540 North Eastern Avenue, Suite #145. The Planning Commission recommended approval.
11/05/08	The City Council approved a request for an Extension of Time (EOT-29888) of an approved Special Use Permit for a proposed Supper Club and a Waiver of the 400-foot distance separation requirement from a church on 2.06 acres at 546 North Eastern Avenue, Suite #110.
<i>Related Building Permits/Business Licenses</i>	
05/08/07	A building permit (#07001536) was issued for on-site improvements and hardscapes at 546 North Eastern Avenue. The permit expired on 11/10/07.
05/08/07	A building permit (#07001538) was issued for retail shell building "A" at 546 North Eastern Avenue. The permit was finalized on 01/03/08.
06/14/07	A building permit (#07001970) was issued for underground water and sewer at 546 North Eastern Avenue. The permit expired on 04/19/08.
12/11/07	A building permit (#103705) was issued for a non-work certificate of occupancy at 546 North Eastern Avenue, Suite #120. The permit was finalized on 02/21/08.
12/20/07	A business license (#C07-03793) was issued for clothing and accessories at 546 North Eastern Avenue, Suite #160. The license is currently active.
12/20/07	A business license (#B20-01385) was issued for a holding company and notary at 546 North Eastern Avenue, Suite #140. The license is currently active.
12/21/07	A building permit (#104056) was issued for a tenant improvement certificate of occupancy at 546 North Eastern Avenue, Suite #140. The permit was finalized on 02/04/08.
12/26/07	A business license (#T18-00788) was issued for cellular phones and accessories at 546 North Eastern Avenue, Suite #120. The license is currently active.
01/03/08	A building permit (#105060) was issued for a non-work certificate of occupancy at 546 North Eastern Avenue, Suite #130. The permit was finalized on 02/13/08.

SUP-32134 - Staff Report Page Three
January 8, 2009 - Planning Commission Meeting

01/03/08	A building permit (#105059) was issued for a non-work certificate of occupancy at 546 North Eastern Avenue, Suite #135. The permit was finalized on 02/28/08.
01/09/08	A building permit (#105500) was issued for a non-work certificate of occupancy at 546 North Eastern Avenue, Suite #160. The permit was finalized on 02/11/08.
01/17/08	A business license (#C07-03798) was issued for a clothing store at 546 North Eastern Avenue, Suite #130. The license is currently active.
01/17/08	A business license (#G04-06689) was issued for kitchen ware at 546 North Eastern Avenue, Suite #135. The license is currently active.
01/23/08	A business license (#C07-03799) was issued for clothing and accessories at 546 North Eastern Avenue, Suite #150. The license is currently active.
02/21/08	A building permit (#106903) was issued for a tenant improvement at 546 North Eastern Avenue, Suite #150. The permit was finalized 04/22/08.
02/29/08	A building permit (#07003496) was issued for a sign (tag #10352) at 546 North Eastern Avenue, Suite #160.
03/11/08	A building permit (#08000008) was issued for a sign with pan channel letters (tag #10370) at 546 North Eastern Avenue, Suite #135. The permit expired on 09/07/08.
03/11/08	A building permit (#08000009) was issued for a sign with pan channel letters (tag #10369) at 546 North Eastern Avenue, Suite #130. The permit expired on 09/07/08.
03/18/08	A business license (#A23-02275) was issued for tax preparation at 546 North Eastern Avenue, Suite #140. The license is currently active.
04/10/08	A building permit (#08000079) was issued for a 33 square-foot sign with channel letters (tag #10435) at 546 North Eastern Avenue, Suite #150. The permit expired on 10/11/08.
04/22/08	A building permit (#08000112) was issued for a sign (tag #10467) at 546 North Eastern Avenue, Suite #120. The permit expired on 10/25/08.
04/23/08	A building permit (#08000117) was issued for a 44 square-foot sign cabinet with channel letters (tag #10472) at 546 North Eastern Avenue, Suite #140. The permit expired on 10/25/08.
05/07/08	A business license (#P27-00513) was issued for a DMV errand service at 546 North Eastern Avenue, Suite #140. The license is currently active.
05/07/08	A business license (#B20-01452) was issued for a notary public at 546 North Eastern Avenue, Suite #140. The license is currently active.
06/04/08	A business license (#K10-00312) was issued for an insurance firm at 546 North Eastern Avenue, Suite #140. The license is currently active.
06/04/08	A business license (#I04-03545) was issued for an insurance agent at 546 North Eastern Avenue, Suite #140. The license is currently active.
09/23/08	A building permit (#124000) was issued for a tenant improvement certificate of occupancy at 546 North Eastern Avenue, Suite #100. The permit is still open.

SUP-32134 - Staff Report Page Four
January 8, 2009 - Planning Commission Meeting

09/23/08	A building permit (#124001) was issued for a tenant improvement certificate of occupancy at 546 North Eastern Avenue, Suite #110. The permit was finalized on 11/25/08.
10/06/08	A business license (#S07-00514) was issued for shoe sales at 546 North Eastern Avenue, Suite #110. The license is currently active.
11/17/08	A business license (#R05-00607) was issued for a hot dog cart at 546 North Eastern Avenue. The license is currently active.
<i>Pre-Application Meeting</i>	
11/20/08	A pre-application meeting was held where the submittal requirements for a Special Use Permit were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
12/03/08	Staff observed during a routine field check a well-maintained retail center with several non-permitted temporary signs posted on the building, as well as within the streetscaping along Eastern Avenue.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.06

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Development	SC (Service Commercial) & M (Medium Density Residential)	C-1 (Limited Commercial) & R-3 (Medium Density Residential)
East	Single-Family Residences & Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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SUP-32134 - Staff Report Page Five
January 8, 2009 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

As stated in Table 1-11b, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Animal Hospital, Clinic, or Shelter (with no Outside Pens)	3,366 SF	One space for every 2 on-duty employees, plus one space per doctor and one space per examination room.	5	1	98	5	Y*
General Retail	27,538 SF	1:250	107	4			
SubTotal			112	5	98	5	
TOTAL (including handicap)			117		103		

**The City Council approved Variance (VAR-13881) to allow for 103 parking spaces on 09/06/06.*

ANALYSIS

This request is for a Special Use Permit for a proposed Animal Hospital, Clinic, or Shelter (with no Outside Pens) at 546 North Eastern Avenue, Suites #170 and #175. The applicant is proposing a low-cost Spay and Neuter Animal Clinic, the "Heaven Can Wait Sanctuary Spay and Neuter Clinic." This proposed Animal Clinic is comprised of 3,366 square feet, with three examination rooms. The proposed floor plan includes two separate entrances, one for cats and one for dogs, a centralized reception desk within the segregated waiting area, two restrooms, a laundry room, lab, a surgery prep area and surgical room, two animal holding areas, a treatment area, and a janitors closet and storage space.

SUP-32134 - Staff Report Page Six
January 8, 2009 - Planning Commission Meeting

- **Zoning**

The subject site is currently designated SC (Service Commercial) within the Southeast Sector of the Las Vegas Master Plan 2020. The site's C-1 (Limited Commercial) zoning district is in conformance with the Las Vegas Master Plan 2020, and the Animal Hospital, Clinic, or Shelter (with no Outside Pens) use is permitted in that district with the approval of a Special Use Permit.

The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This subject site is located along a Primary Arterial (Eastern Avenue) and is part of a retail corridor.

- **Use**

An Animal Hospital, Clinic, or Shelter (with no Outside Pens) is defined by Title 19.04 as a facility that:

1. Provides medical or surgical treatment for animals or pets, as well as shelter and care during the time of such treatment; and
2. Does not use any outdoor pens in providing such shelter and care.

- **Minimum Special Use Permit Requirements**

Title 19.04.010 lists the following conditions for the Animal Hospital, Clinic, or Shelter (with no Outside Pens) use:

1. The use shall have access to a collector street or larger.
2. Animals shall be confined within an enclosed building at all times.
3. The building shall be designed to provide complete sound barriers and odor protection for adjacent properties.
4. Rooms containing cages or pens are not permitted to have windows, doors or other penetrations on exterior walls adjacent to residences.
5. Noise levels must comply with the applicable provisions of LVMC Title 7.
6. No more than 25% of the floor area may be used for the boarding of animals.

The proposed site is adjacent to Eastern Avenue, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways. The proposed floor plan shows the animal holding areas are in the interior of the building, no animals will be confined outdoors. A condition has been added to ensure the subject site is designed to provide complete sound barriers and odor protection from adjacent suites as well as adjacent properties. A total of 440 square feet of floor area is

SUP-32134 - Staff Report Page Seven
January 8, 2009 - Planning Commission Meeting

dedicated to animal holding areas. This is 13 percent of the total floor area, below the 25 percent maximum allowed by Title 19.04.010. The proposed use meets the minimum Special Use Permit requirements for an Animal Hospital, Clinic, or Shelter (with no Outside Pens) use; therefore, staff recommends approval of this request.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Animal Hospital, Clinic, or Shelter (with no Outside Pens) would be located within a commercial development that includes a variety of uses including retail sales and personal services. The addition of an Animal Hospital, Clinic, or Shelter (with no Outside Pens) within this commercial development is compatible with the existing and future land uses as specified by the SC (Service Commercial) General Plan designation.

- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is physically suitable for this type of use and the intensity is appropriate for this area. Site access is provided by Eastern Avenue, and adequate parking is being provided in accordance with the approved Variance (VAR-13881) for the retail center.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed Animal Hospital, Clinic, or Shelter (with no Outside Pens) would be located within the Plaza Las Americas, which is adequately served by Eastern Avenue, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Animal Hospital, Clinic, or Shelter (with no Outside Pens) use on this site will be subject to regular inspections by regulatory agencies for business licensing and will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

SUP-32134 - Staff Report Page Eight
January 8, 2009 - Planning Commission Meeting

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Animal Hospital, Clinic, or Shelter (with no Outside Pens) use meets all of the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

9

ASSEMBLY DISTRICT 11

SENATE DISTRICT 2

NOTICES MAILED 183

APPROVALS 0

PROTESTS 1